

### **REMARKS**

Claims 1-18 are pending in the above-identified application. Claims 7-12 are rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Claims 1-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Haikin (U.S. Pat. No. 6,757,893) in view of Blackwell et al. (U.S. Pat. Pub. No. 2005/0166094).

Claim 7 has been amended. Applicants submit that these amendments and remarks overcome all of the Examiner's outstanding rejections and bring the present Application into condition for allowance. Entry of this amendment and a notice of allowance of all the remaining claims are therefore respectfully solicited.

#### **Rejections Based on §101**

Claims 7-12 are rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Claim 7 has been amended to clarify that the claimed subject matter is stored on a memory for execution on a processor. Applicants believe this addresses the issues raised in the O.A. and, therefore, respectfully request withdrawal of the §101 rejections of claims 7-12.

#### **Rejections Based on §103(a)**

Claims 1-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Haikin (U.S. Pat. No. 6,757,893) in view of Blackwell et al. (U.S. Pat. Pub. No. 2005/0166094).

The current Office Action (O.A.) relies upon Haikin for concurrent access to computer code during development. Haikin approaches the issue of concurrent access from a software tracking point of view rather than from Applicants' concurrent interactions approach. Simply stated, Haikin is a "source code version control system" (Abstract). Specifically, Haikin has extended a file-by-file software tracking approach to line-by-line tracking but does not teach or suggest any particular method that enables multiple developers to resolve potential conflicts. Haikin describes conflict resolution as follows:

Preferably, integration of a specific version of a source code line is not performed if more than one software developer has modified and saved a version of that same source code line since either the previous integrated version of the source code line or the initial version of the source code line, whichever is most recent. In such a situation, the software developers are notified of the situation so that they can resolve any differences between their respective modified versions of the same source code lines.

(col. 4, lines 52-60; *emphasis added*). In other words, Haikin is directed to a version control system that tracks code on a line-by-line basis but does not teach or suggest any particular method for resolving conflicts that would provide true concurrent access to the code.

In contrast, the testing and swapping of roles described in Applicants' claimed subject matter provides a true collaborative environment that does not rely merely on a system such as Haikin's line by line version tracking. One feature of Applicants' claimed subject matter is claimed as "said first and second developers exchanging roles" (claims 1, 7 and 13). Haikin does not describe a corresponding element.

Blackwell, which is relied upon to suggest the testing aspects of Applicants' claimed subject matter, is not directed to, nor seen to address, issues related to collaborative software development, in general, or conflict resolution, specifically. Blackwell neither teaches nor describes a collaborative software development environment or specific techniques for resolving the inevitable conflicts that arise in such an environment. Therefore, Blackwell neither suggests nor teaches that which Haikin lacks in this regard.

To establish *prima facie* obviousness of a claimed invention under §103(a), all the claim limitations must be taught or suggested by the prior art. (M.P.E.P., §2143.03, citing *in re Royka*, 490 F.2d 981; 180 U.S.P.Q. 580 (CCPA 1974)). In addition, **"All words in a claim must be considered** in judging the patentability of that claim against prior art." (*Id.*, citing *In re Wilson*, 424 F.2d 1382, 1385; 165 U.S.P.Q. 494, 496 (CCPA 1970); *emphasis added*). Applicants believe that the cited art fails to meet this standard because there is no suggestion in either Haikin or Blackwell that developers exchange roles. For the reasons above, claims 1, 7 and 13 are allowable over the cited art. In addition, claims

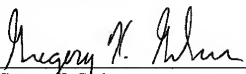
2-6, 8-12 and 14-18 are allowable because they each depend upon one of the allowable independent claims.

**CONCLUSION**

In light of the amendments and remarks made herein, Applicants submit that all pending claims are allowable and earnestly solicits notice thereof. Applicants are not conceding in this application that the unamended claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution of the allowable subject matter. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation and/or divisional patent applications. It is believed that no fees are due with the filing of this Amendment/Response. However, should any other fees be due, the Commissioner is hereby authorized to charge such fees to the deposit account of IBM Corporation, Deposit Account No. 09-0447.

Respectfully submitted,

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